

**CHAPTER 7.
COMMUNITY ANTENNA TELEVISION
FRANCHISES**

**PART 1.
DEFINITIONS**

7711. (Chapter 7 of Article VII repealed by Ord. 1646 adopted 9-1-78. Ord. 1646 repealed by Ord. 1814 adopted 6-4-85)

**CHAPTER 8.
STORMWATER MANAGEMENT AND
DISCHARGE CONTROL**

**PART 1.
TITLE, PURPOSE AND GENERAL
PROVISIONS**

7810. DEFINITIONS.

Any terms defined in the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, and/or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency on November 16, 1990 (as may from time to time be amended) as used in this Chapter shall have the same meaning as in that statute or regulations. The definition of the terms included in that statute or regulations are incorporated by reference, as now applicable or as may hereafter be amended.

When used in this Chapter, the following words shall have the meanings ascribed to them in this Section:

(1) "Development Services Director" means the Director of the Development Services Department, City of Arcadia.

(2) "City Council" means City Council of the City of Arcadia.

(3) "City" means City of Arcadia.

(4) Authorized Enforcement Officer. "Authorized Enforcement Officers" shall be the Development Services Director or those individuals designated by

the Development Services Director as Authorized Enforcement Officers.

(5) "Best management practices (BMP's)" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to "waters of the United States." BMP's also include treatment requirements, operating procedures, design specifications, and practices to control plan site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(6) "Storm drain system" includes, but is not limited to, those facilities within the City by which stormwater may be conveyed to the waters of the United States, including flood control channels, any roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains, which are not a part of a publicly owned treatment works (POTW) as defined at 40 Code of Federal Register (CFR) Section 122.2.

(7) "Nonstormwater discharge" means any discharge that is not entirely composed of stormwater.

(8) "Premises" means any building, lot parcel, real estate, or land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(9) "Facility" means any nonresidential premises. (Amended by Ord. 2060 adopted 12-3-96)

7811. PURPOSE AND INTENT.

The purpose of this Chapter is to ensure the future health, safety, and general welfare of citizens by:

(a) Eliminating nonstormwater discharges to the municipal separate storm drain.

(b) Controlling the discharge from spills, dumping or disposal of materials other than stormwater to municipal separate storm drains.

(c) Reducing pollutants in stormwater discharges to the maximum extent practicable.

The intent of this Chapter is to protect and enhance the water quality of our watercourses, water bodies, wetlands and receiving waters of the United

States in a manner pursuant to and consistent with the Clean Water Act.

7812. RESPONSIBILITY FOR ADMINISTRATION.

This Chapter shall be administered for the City by the Development Services Director. (Amended by Ord. 2060 adopted 12-3-96)

7813. CONSTRUCTION AND APPLICATION.

This Chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and existing or future NPDES Permit and any amendment, revision or reissuance thereof.

7814. SEVERABILITY AND APPLICATION.

If any portion of this Chapter is declared invalid, the remaining portions of this Chapter are to be considered valid.

7815. TAKING.

The provisions of this Chapter shall not operate to deprive any landowner of any constitutionally protected right. If a landowner claims that application of this Chapter to a specific project would deprive the landowner of a constitutionally protected right, then such landowner shall make application to the City and the City may allow additional land uses, but only to the extent necessary to avoid depriving the landowner of a proven constitutionally protected right. In any such application the burden shall be on the landowner to demonstrate that strict application of this Chapter would cause the deprivation of a constitutionally protected right. Such additional land uses shall be consistent with and carry out the purposes of this Chapter as set forth in Section 7811 of this Chapter.

**PART 2.
DISCHARGE REGULATIONS AND REQUIREMENTS**

7820. DISCHARGE OF POLLUTANTS.

The discharge of nonstormwater discharges to the City storm drain system is prohibited. All discharges of material other than stormwater discharges must be in compliance with NPDES permit issued for the discharge.

(a) The discharge of nonstormwater discharges to the City storm drain system is prohibited. All discharges of material other than stormwater discharges must be in compliance with NPDES permit issued for the discharge. Prohibited discharges or deposits include, but are not limited to, the following:

(1) Wash waters when gas stations, auto repair garages or other types of automotive related service facilities are cleaned;

(2) Untreated wastewater from mobile auto washing, steam cleaning, mobile steam cleaning and other such mobile commercial and industrial operations;

(3) Discharges from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze is undertaken, to the maximum extent practicable;

(4) Discharges of untreated runoff from storage areas of materials containing grease, oil or other hazardous substances, and uncovered receptacles containing hazardous materials;

(5) Discharge of filter backwash or chlorinated/brominated water from swimming pools;

(6) Discharge of untreated runoff from the washing of toxic materials from paved or unpaved areas;

(7) Discharge of concrete or cement laden wash water from concrete trucks, pumps, tools, and equipment;

(8) Any pesticide, fungicide or herbicide banned by the United States Environmental Protection Agency of the California Department of Pesticide Regulation;

(9) Discharge or disposal of food and food processing wastes;

(10) Discharge or disposal of litter, landscape debris, and construction debris.

(b) Exceptions to Discharge Prohibition. The following discharges are exempt from the prohibition set forth in Section 7820.

(1) The prohibition of discharges shall not apply to any discharge regulated under a NPDES permit issued to the discharger and administered by the State of California under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.

(2) Discharges from the following activities will not be considered a source of pollutants to waters of the United States when properly managed: flows from riparian habitats or wetlands; springs and diverted stream flows; rising ground waters; and uncontaminated groundwater infiltration; discharges and flows from fire fighting activities; landscape irrigation, lawn watering, and irrigation water; foundation drains; footing drains; water from crawl space pumps, and air conditioning condensate; dechlorinated swimming pool discharges; individual residential car washing; water line flushing; street washing (including sidewalk washing), provided, however that municipal street washing by the City be subject to such best management practices as required by law; potable water sources, provided the discharges are managed in accordance with an approved industry-wide Standard Pollution Preservation Practice developed by the American Water Works Association, California-Nevada Section, or equivalent document; and in compliance with any further requirements established by resolution of the City Council; and other discharges specifically permitted by law. (Amended by Ord. 2172 adopted 2-4-03; Ord. 2060 adopted 12-3-96)

7821. DISCHARGE IN VIOLATION OF PERMIT.

Any discharge that would result in or contribute to a violation of NPDES Permit No. CA0061654 (C16948), available for viewing at the Arcadia City Hall, Development Services Department, 240 W. Huntington Drive Arcadia, California and any amendment, revision or reissuance thereof, either

separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action relating to such discharge. (Amended by Ord. 2060 adopted 12-3-96)

7822. ILLICIT DISCHARGE AND ILLICIT CONNECTIONS.

It is prohibited to establish, use, maintain, or continue illicit drainage connections to the City storm drain system, and to commence or continue any illicit discharges to the City storm drain system. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection.

7823. REDUCTION OF POLLUTANTS IN STORMWATER.

Any person engaged in activities which will or may result in pollutants entering the City storm drain system shall undertake all practicable measures to reduce such pollutants. Examples of such activities include ownership and use of facilities which may be a source of pollutants such as parking lots, gasoline stations, all automobile service related shops, restaurants, industrial facilities, stores fronting streets, etc. The following minimum requirements shall apply.

The following requirements do not require inspection of private property. However, if the City becomes aware of situations associated with private property that cause obvious discharges of prohibited materials to the storm drain system or pose the potential for such discharges, the City has the legal authority to abate such discharges.

(a) Littering. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, con-

duit or other drainage structures, business place, or upon any public or private plot of land in the City, so that the same might be or become a pollutant, except containers or in lawfully established waste disposal facilities.

The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property in the City in front of which there is a paved sidewalk shall maintain the sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from the sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on the real property as required for the disposal of garbage.

No person shall throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within the City.

(b) Standard for Parking Lots and Similar Structures. Persons owning or operating a paved parking lot or similar structure with twenty-five (25) or more parking spaces shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the storm drain system.

(c) Best Management Practices for New Developments and Redevelopments. No grading permit shall be issued for any development with a disturbed area of one (1) acre or greater unless the applicant can show that (i) a Notice of Intent to comply with the State Construction Activity Storm Water Permit has been filed and (ii) a Storm Water Pollution Prevention Plan has been prepared. The City may adopt regulations establishing controls on the volume and rate of stormwater runoff from new developments and redevelopments of less than one (1) acre as may be appropriate to minimize the discharge and transport of pollutants. The Development Services Director may require of any developer or construction contractor performing work in the City provide a local stormwater pollution prevention plan prior to the beginning of such work. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, the original purpose of

the facility or emergency construction activities required to protect the public health and safety.

(d) Notification of Intent and Compliance with General Permits. Each industrial discharger, discharger associated with construction activity, or other discharger, described in any general stormwater permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the California Regional Water Quality Control Board, Los Angeles Region, shall provide notice of intent, comply with, and undertake all other activities required by any general stormwater permit applicable to such discharges.

Each discharger identified in an individual NPDES permit relating to stormwater discharges shall comply with and undertake all activities required by such permit.

(e) Compliance with Best Management Practices. Where best management practices guidelines or requirements have been adopted by any Federal, State of California, regional, and/or City Agency, for any activity, operation, or facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or discharges of non-stormwater to the stormwater system, every person undertaking such activity or operation, or owning or operating such facility shall comply with such guidelines or requirements as may be identified by the Development Services Director.

(f) In any area exposed to storm water, the use of Best Management Practices and/or the removal and lawful disposal of materials which could have adverse impact on water quality is required. Examples of such materials include all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, and other similar materials.

(g) Food wastes are to be properly disposed of in containers approved for such disposal by the Development Services Director or designee.

(h) Each person who owns, manages, or operates any machinery or equipment which is to be repaired or maintained shall use Best Management Practices or shall place the machinery or equipment that is to be repaired or maintained in such a place that leaks,

spills, and other maintenance-related pollutants are not discharged to the storm drain system.

(i) All hazardous substances and hazardous materials shall be stored in such a manner as to prevent such substances or materials from coming into contact with stormwater or other runoff which discharges into the storm drain system. It is unlawful for any person to dispose of any hazardous waste in any trash container used for municipal trash disposal.

(j) To the maximum extent practicable, no person shall wash any impervious surface in any industrial or commercial area so as to result in a discharge of untreated runoff to the storm drain system unless such washing is specifically required by state or local health and safety codes.

(k) Standards for Private Drains and Catch Basins. Persons owning or operating drainage facilities that are directly connected to the public storm drain system shall clean those facilities between May 1st and September 30th of each year, and re-clean those facilities, as needed, before their sumps are forty percent (40%) full of material. This requirement includes, but is not limited to, catch basins, culverts and parkway drains. (Amended by Ord. 2060 adopted 12-3-96; amended by Ord. 2130 adopted 9-19-00; amended by Ord. 2216 adopted 2-21-06)

**7824. STANDARD URBAN
STORMWATER MITIGATION
PLAN AND STORM WATER
BEST MANAGEMENT
PRACTICES REGULATIONS
AND FEES.**

Regulations pertaining to the implementation of the Standard Urban Stormwater Mitigation Plan (SUSMP) and Stormwater Best Management Practices (BMPs) as well as any related service fees and charges related to the implementation of such regulations, shall be adopted by resolution of the City Council. (Added by Ord. 2130 adopted 9-19-00)

**PART 3
INSPECTION AND ENFORCEMENT**

7830. AUTHORITY TO INSPECT.

Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever an Authorized Enforcement Officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this Chapter, the officer may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the officer by this Chapter; provided that (i) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (ii) if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the officer is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this Chapter, including but not limited to random sampling and/or sampling in areas with evidence of stormwater contamination, illicit discharges, discharge of nonstormwater to the stormwater system, or similar factors.

(a) Authority to Sample and Establish Sampling Devices. With the consent of the owner or occupant or pursuant to a search warrant, any Authorized Enforcement Officer may establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided in this Chapter, the officer may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on-site.

(b) Notification of Spills. All persons in charge of a facility or responsible for emergency response for a facility have a personal responsibility to train facility personnel and maintain notification procedures to assure immediate notification is provided to the City of any suspected, confirmed or unconfirmed release of material, pollutants or waste creating a risk of discharge into the City storm drain system.

As soon as any person in charge of a facility or responsible for emergency response for a facility has knowledge of any suspected, confirmed or unconfirmed release of materials, pollutants or waste which may result in pollutants or nonstormwater discharge entering the City storm drain system, such person shall take all necessary steps to ensure the discovery and containment and clean up of such release and shall notify the City of the occurrence by telephone and confirming the notification by correspondence to the Development Services Director.

(c) Requirement to Test or Monitor. Any Authorized Enforcement Officer may request that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or discharge of non-stormwater to the stormwater system, undertake such monitoring activities and/or analyses and furnish such reports as the officer may specify. The burden, including costs, of these activities, analyses and reports shall bear a reasonable relationship to the need for the monitoring, analyses and reports and the benefits to be obtained. The recipient of such request shall undertake and provide the monitoring, analyses and reports required. (Amended by Ord. 2060 adopted 13-3-96)

7831. VIOLATIONS CONSTITUTING MISDEMEANORS.

Unless otherwise specified by this Chapter, the violation of any provision of this Chapter, or failure to comply with any of the mandatory requirements of this Chapter shall constitute a misdemeanor; except that notwithstanding any other provisions of this Chapter, any such violation constituting a misdemeanor under this Chapter may, at the discretion of

the Authorized Enforcement Officer may be charged and prosecuted as an infraction.

7831.1. PENALTY FOR VIOLATION.

Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code Section 36901.

Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in California Government Code Section 36900. After a third conviction for a violation of the same provision subsequent violations within a twelve (12) month period may be charged as a misdemeanor.

7831.2. CONTINUING VIOLATION.

Unless otherwise provided, a person, firm, corporation or organization shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this Chapter is committed, continued or permitted by the person, firm, corporation or organization and shall be punishable accordingly as provided in this Chapter.

7831.3. CONCEALMENT.

Causing, permitting, aiding, abetting or concealing a violation of any provision of this Chapter shall constitute a violation of such provision.

7831.4. ACTS POTENTIALLY RESULTING IN VIOLATION OF FEDERAL CLEAN WATER ACT AND/OR PORTER-COLOGNE ACT.

Any person who violates any provision of this Chapter, any provision of any permit issued pursuant to this Chapter, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the Federal Clean Water Act and/or Porter-Cologne Act and may be subject to the sanctions of those Acts including civil and criminal penalty. Any enforcement action authorized under this Article should also include notice to the violator of such potential liability.

**7831.4. ACTS POTENTIALLY
RESULTING IN VIOLATION
OF FEDERAL CLEAN WATER
ACT AND/OR PORTER-
COLOGNE ACT.**

Any person who violates any provision of this Chapter, any provision of any permit issued pursuant to this Chapter, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the Federal Clean Water Act and/or Porter-Cologne Act and may be subject to the sanctions of those Acts including civil and criminal penalty. Any enforcement action authorized under this Article should also include notice to the violator of such potential liability.

7831.5. VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to the public health, safety and welfare, is declared and deemed a nuisance, may be summarily abated and/or restored by any Authorized Enforcement Officer, and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the City Attorney.

The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property. If the invoice is not paid within sixty (60) days, a lien shall be placed upon and against the property. If the lien is not satisfied within three (3) months, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

If any violation of this Chapter constitutes a seasonal and recurrent nuisance, the Development Services Director shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of reconvening the initial process of a public nuisance declaration and cessation order by the City Attorney. (Amended by Ord. 2060 adopted 12-3-96)

7832. RECOVERY OF ALL COSTS.

In any administrative, civil or criminal proceeding under this Chapter in which the City prevails, the City shall be entitled as part of judgement or decision all costs of investigation, administrative overhead, out-of-pocket expenses, costs of administrative hearings, costs of required education programs, costs of suit and reasonable attorney and expert fees.

7833. CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1094.6.

The provisions of Section 1094.6 of the California Code of Civil Procedure are applicable to judicial review of City decisions pursuant to this

Chapter. The City shall give notice of its decisions and of this Section to all interested persons.

7834. CIVIL ACTIONS.

In addition to any other remedies provided in this Section, any violation of this Section may be enforced by civil action brought by the City. In any such action, the City may seek, and the Court shall grant, as appropriate, any or all of the following remedies:

- (1) A temporary and/or permanent injunction;
- (2) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;
- (3) Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation;
- (4) Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life. Assessments under this subsection shall be paid to the City to be used exclusively for costs associated with monitoring and establishing stormwater discharge pollution control systems and/or implementing or enforcing the provisions of this Chapter.

7835. ADMINISTRATIVE ENFORCEMENT POWERS.

In addition to the other enforcement powers and remedies established by this Chapter, any Authorized Enforcement Officer has the authority to utilize the following administrative remedies.

- (a) Cease and Desist Orders. When an Authorized Enforcement Officer finds that a discharge has taken place or is likely to take place in violation of this Chapter, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall:
- (1) comply with the requirement,
 - (2) comply with a time schedule for compliance, and/or
 - (3) take appropriate remedial or preventive action to prevent the violation from recurring.



shall be placed upon and against the property within three (3) months, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

**7836. AUTHORITY TO ARREST OR
ISSUE CITATIONS.**

Authorized Enforcement Officers shall have and are vested with the authority to arrest or cite and release any person who violates any Section of this Code in the manner provided by the California Penal Code for the arrest or release on citation of misdemeanors or infractions as prescribed by Chapter 5, 5c, and 5d of Title 3, Part 2 of the Penal Code (or as the same may be hereinafter amended). Such Authorized Enforcement Officers or employees may issue a citation and notice to appear in the manner prescribed by Chapter 5c of Title 3, Part 2 of the Penal Code, including Section 853.6 or as the same may hereafter be amended. It is the intent of the City Council that the immunities prescribed in Section

Enforcement Officer and shall set the matter for hearing at the earliest practical date. At the hearing, the Development Services Director may hear additional evidence, and may reject, affirm or modify the Authorized Enforcement Officer's decision. The decision shall be final. (Amended by Ord. 2060 adopted 12-3-96)

7839. DISCLAIMER OF LIABILITY.

The degree of protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth in this Chapter are minimum standards and this Chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This Chapter shall not create liability on the part of the City, any officer or employee thereof for any damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

7910. PURPOSE.

The public streets and areas within the City should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. The purpose of this Article is to maintain public streets and areas within the City in clean and accessible conditions. These areas are defined in the following sections.

7911. DEFINITIONS.

The following words and phrases, when used in this Chapter shall have the meaning ascribed to them by this Part unless it is apparent from the context that another meaning is intended.

(a) "Camp" means to pitch or occupy camp facilities; to use camp paraphernalia.

(b) "Camp facilities" include, but are not limited to, tents, huts or temporary shelters.

of Arcadia parks including Wilderness Park.

(f) "Store" means when used in any form, to put aside or accumulate for use when needed, to put for safekeeping, to place or leave at a certain location.

7912. UNLAWFUL CAMPING.

It shall be unlawful for any person to occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise provided:

(a) Any City park.

(b) Public street and area.

(c) Any public parking lot, public building, or other City owned property, improved or unimproved.

7913. STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS.

It shall be unlawful for any person to store personal property, including camp facilities and paraphernalia, in the following areas, except as otherwise provided by resolution of the City Council: